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In re Application of	:	DECISION ON
NIKITIN et al	:	
Application No.: 10/110,576	:	
PCT No.: PCT/RU99/00385	:	PETITION UNDER
Int. Filing Date: 07 December 2000	:	
Priority Date: 06 November 1999	:	37 CFR 1.10 (C)
Attorney's Docket No.: U 013722-1	:	
For: METHOD OF DECORATIVE ...	:	
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This decision is in response to the "RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.10," filed on 12 April 2002, which is being treated as a petition under 37 CFR 1.10 (c) requesting that the international filing date of 06 December 2001 be changed to 16 November 2001 for the above identified application.

BACKGROUND

This petition is to correct the international filing date of the above international application that was purported to have been filed on 16 November 2001.

In a decision from this Office on 28 March 2002, the petition filed on 06 December 2001 was dismissed. The decision indicated that items (2) and (3) of 37 CFR 1.10(c) were not made for a filing date on 19 November 2001.

In addition, the arguments under 37 CFR 1.6(e) were not persuasive because petitioner did not provide a clear summary of the facts in mailing the above application with the proper evidence supporting the facts for the relief sought.

On 12 April 2002, petitioner filed the present petition. The petition includes, *inter alia*, a copy of the customer receipt "Express Mail" Label No.: EV 011019189 US with a "date in" of 16 November 2001. The USPTO assigned these papers an international serial number 10/110,576.

DISCUSSION

I. DUPLICATE APPLICATIONS FOR ABOVE PAPER :

As is evident from the above recited facts, applicant submitted a renewed petition for the international application 10/009,921. These papers were improperly assigned an international application numbers thus having two application numbers for the above papers. Consequently, the papers filed in application number 10/110,576 is a duplicate of application number 10/009,921.

The renewed petition in application number 10/110,576 has been placed in the application number 10/009,921, and petitioner has been refunded the \$445.00 charged to this application back to the Deposit Account No: 12-0425.

Applicant should use application number 10/009,921 in all future communications with the Patent and Trademark Office.

II. DECISION UNDER 37 CFR 1.10(C) :

Petitioner satisfied requirement (1) under 37 CFR 1.10 with the petition submitted on 06 December 2001. Petitioner has now satisfied requirements (2) and (3) under 37 CFR 1.10 with the renewed petition submitted on 12 April 2002.

A review of the application papers reveals that "Express Mail" Label No. EV011019189US was placed, *inter alia*, on the transmittal letter. Although under the section of the Certification under 37 CFR 1.10 there appears to a typographical error because the "Express Label" No.: was entered as US011019189US, the number is correct at the bottom of the sheet. Thus satisfying 37 CFR 1.10(c)(2).

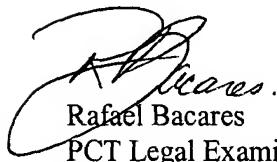
Finally, the copy of the customer receipt of "Express Mail" Label No. US011019189US filed with the present petition identifies the day of deposit as "16 November 2001." 37 CFR 1.10(c)(3).

The requirements under 37 CFR 1.10(c)(1)-(3) have now been satisfied. As such, relief pursuant to 37 CFR 1.10(c) is appropriate..

CONCLUSION

For reasons above, the petition under 37 CFR 1.10(c) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371 including the preparation and mailing of a Notification of Acceptance (Form PCT/DO/EO/903) and a filing receipt. The 35 USC 371(c) date of this application is 16 November 2001.



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Date In <i>11/16/01</i>	Postage <i>\$ 19.15</i>	
Time In <i>5:23 PM</i>	12 Noon <input type="checkbox"/> 3 PM <input checked="" type="checkbox"/> Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee <input type="checkbox"/>
Weight <i>.5 lbs</i>	Int'l Alpha Country Code <i>AP</i>	COD Fee Insurance Fee <input type="checkbox"/>
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